

**DRAFT**  
**Planning Board Minutes**  
**April 7, 2009**

**Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Travis Dezotell; Deane Geddes; Bruce Healey; Jim Powell, Ex-Officio; Bill Weiler; Ron Williams, Alternate; Ken McWilliams, Advisor.**

Mr. Vannatta called the meeting to order at 7:10 p.m. The Board reviewed the minutes of March 3, 2009 and made corrections.

Mr. Weiler made a motion to approve the minutes of March 3, 2009 as corrected. Mr. Powell seconded the motion. All in favor.

**CASE: CODE – 043: Amend for TM 2010 – Sign Ordinance**

Mr. Vannatta opened the meeting to the public regarding input for revisions to the existing sign ordinance.

Frank MacConnell from Bob Skinner's Ski Shop commented that the paper trail established with the temporary sign ordinance is good. He commented that it is good for the Town to have control of temporary signs throughout the business district. He stated that having a business along Route 103 is a good for exposure to the public and passing traffic, and temporary signs are very important to be able to communicate to the public regarding sales and specials. He informed the Board that in the past he had been denied a sign because there is only one entrance to the site. This entrance, however, is shared with two other businesses. Therefore, it would have been appreciated if someone had come to the site to assess the conditions before denying the permit.

Tom Behrens from Mountain Edge Resort, Digby's and the Best Western Motel commented that signage technology has been updated and improved, and the Board should reconsider internally lit signs to be allowed. The technology of illuminated light is probably more in keeping with the character of the Town than flood lighting. He stated that it is not practical to put all signs through the same review criteria. He commented that it appears that some of the authority regarding sign permits was transferred to the Board of Selectmen. If that was done to be more restrictive, then the town is heading in the wrong direction. The State highway signs are a good example of inconsistent, ugly signage. The sign ordinance needs to be more encompassing if it going to include the State signs. There is a lot more to consider than taking the old sign ordinance and resizing the signs. The square footage of retail space should be taken into consideration, and safety issues arise from restricting the ability to direct traffic with directional signs. The topography, lighting issues, snow banks etc. make direction signs difficult to see based upon the existing regulations for size.

Ms. Freeman advised Mr. Behrens that if there is a need for a larger sign than permitted, the safety issues usually weigh in strongly as support for a variance.

Mr. Behrens commented that the easiest way to deal with signs in Newbury is to put them up until you get caught.

Mr. Vannatta stated that is one of the reasons the Board is holding this meeting for input from the public, to address some of the issues and hear concerns.

Ms. Freeman asked Mr. Behrens if he is suggesting that the Town not have a sign ordinance and just look at each sign application on a case by case basis.

Mr. Behrens clarified his position is that if a business owner needs/wants more than what is allowed in the zoning regulations, there should be a method of review that takes into consideration the whole scheme and size of the business building. There needs to be a method of being able to deliver a quality message to the people in and passing through Newbury. He commented that the last thing the Town needs is another flashing sign such as what the police department has. He asked the Board why it is o.k. for the police department to have a flashing, internally lit sign and not the business owners.

Mr. Weiler commented that part of the problem is that the sign is not being used in the manner that it was meant to be used, i.e., to display the speed of traffic.

Kerry Behrens commented that it is very hard to slow traffic down in a 35 mph zone. It was years before some people in Town realized that the Rosewood Barn was a store. She commented that regarding safety, she was almost in a vehicle collision because someone had stopped in the middle of the travel lane to read the flashing sign outside of the police department.

Mr. MacConnell commented that there are not that many businesses along Route 103. It would be very nice for the Board to do a site visit and see how the businesses are laid out differently. He used Bob's Beacon Marina as an example of a large building only allowed a small sign, very near the center of Town. Consequently, the signage for Bob's Beacon Marina is not easily noticed and read by passing traffic.

Mr. Vannatta advised the public that the Board is just in the beginning of the process of amending the sign ordinance. He expressed the Board's open invitation to any of the members of the public to come to the Planning Board meetings to give input on regulations. The Board is now trying to look at the problems of the past and remove them and hopefully make good changes.

Mr. Behrens commented that the Board needs the power to prevent the kind of sign that happened in front of Chandler Cemetery. The ugly signage did no apparent good to draw business.

Mr. Healey asked the members of the public what size sign they feel would be accommodating and meet their advertising needs.

Jim Cassidy from Bob's Beacon Marina commented that it would be helpful to have better provisions for lighting. Certainly the size of the signs should be contingent upon the size of the building. He commented that his wish for a sign would be a 6 ft. x 8 ft. internally lit sign mounted on the side of his building. It could be controlled with a timer so that it did not shine all night long.

Ms. Behrens commented that the Board should also prepare some guiding principles for the characteristics that would help guide the good taste of future signage.

Mr. Behrens suggested that the Board look at the sign ordinances of other Town's who seem to have a good handle on their signs.

Josh Perkins of Stoneface Excavation, LLC suggested that the Board should also take into consideration the sign regulations for buildings that have several businesses in them. This issue supports the reasoning behind the suggestion that building and lot size should be considered when regulating the square footage allowed for signs.

Mr. Wright commented that it would be helpful to have a definition of what constitutes a sign. Sometimes the support structure is difficult to separate from the signage which makes determining the size of the sign difficult.

The Board took a short break so that photo copies of the existing ordinance could be made and provided to the members of the public.

Mr. Weiler asked Mr. Powell if the Board of Selectmen have consulted with Town Counsel regarding the issue of signs in the State right-of-way.

Mr. Powell advised that Town Counsel stated that if it is a State right-of-way, then the Town does not have the authority to enforce what goes on the in State right-of-way.

Mr. Weiler commented that certain of the factors of zoning are protection of the general welfare and aesthetics. Zoning rules should apply to the whole town. It does not mean that the Town can only regulate on private roads.

Mr. Powell advised the Board that the Board of Selectmen have been very successful in contacting businesses on Route 103 that have violated the sign ordinance and having them take down their unpermitted signs, but the issue of enforcement in the State right-of-way is a potential problem. He agreed that one size does not fit all when it comes to signage and perhaps different businesses should be able to have different signage in order to be profitable. Additionally, LED lighting is low cost and energy saving.

The Board discussed several examples of LED lighting.

Ms. Freeman commented that an ordinance could easily be established that gave standards for design and another part that would give flexibility for comprehensive sign presentation. The plans would have to be very comprehensive and detailed. This type of regulation would be a lot more work for whoever is going to have to review the plans, but is certainly something the Board should consider.

Mr. Powell stated that he agrees with Ms. Freeman, but the amount of review necessary should not stop the Board from trying to make the sign ordinance more workable for our area businesses.

Mr. McWilliams pointed out that the concept that the Board should be focused on is that not so much the size of the building and the sign but the traveling public to be able to safely see what business is on the property. Additionally, when a business changes ownership or type of business, the legal language pertaining to signs supports grandfathering. Therefore, new conditions cannot be set based on change of ownership. Mr. McWilliams agreed to research the concept of permitting signs based on principles instead of specific standards taking into consideration the whole site including building size and lot size.

Ms. Freeman pointed out that the design of a sign is more also an important part of advertising. Visual clutter causes people to not see any signs.

The Board reviewed the draft of the March 21, 2009 draft of the sign ordinance and made changes.

**CASE: 2004-006: Angel Hawk Subdivision – Jaimie Gould aka Advanced Conception Property Development, LLC – Development Agreement**

Mr. Vannatta informed the Board that he discussed the addendum regarding the escrow account provision with Town Counsel. Bart Mayer advised that this issue could continue on for years without closure if the Board does not impose a date for completion, the bond to be posted or things to be completed. There needs to be a performance date certain.

Mr. Weiler commented that since Mr. Gould has not read the subdivision regulations, it is doubtful that he will make the deadline.

Ms. Freeman stated that the Board has a date certain already set by the regulations. Article 6.4.1 of the subdivision regulations states *'The subdivider shall construct and install all improvements required by the Planning Board within 36 months from the receipt of the notice of decision by the subdivider from the Planning Board....The subdivision plan will then be recorded in the Merrimack County Registry of Deeds and the subdivider may then sell and convey lots in the subdivision.'* Ms. Freeman commented that putting a date certain based on 36 months from the approval notice is a good idea since the current owner of the subdivision has probably not read the subdivision regulations.

Mr. Weiler stated that the Board should also place a limit on the number of extensions that can be applied for. The Town of Sutton has placed additional requirements on the subdivision for road improvements of Nelson Hill Road.

Mr. Vannatta advised the Board that he will ask the land use clerk to look up the approval date of the Angel Hawk subdivision to determine the deadline for the addendum for discussion at the next meeting.

Ms. Freeman suggested that a letter be sent to Jaimie Gould advising him of when the subdivision needs to be complete, and that he has the option of asking for an extension but needs to come to the Board to do that.

**CASE: ADM1 – 072: PSNH Public hearing for tree trimming on Scenic Road.**

Mr. Vannatta informed the Board that he had received a letter from Public Service asking for a public hearing to be held in order for them to commence tree trimming around the power lines on Cheney Road.

Mr. McWilliams advised that RSA 231:158 indicates the requirements for notification to the public and hearing dates.

**CASE: ADM1 – 062: Rules of Procedure - Application Requirements**

Mr. Vannatta informed the Board that the land use coordinator has requested that the Board require additional copies of plans from applicants in order to provide the ex-officio and secretary informational copies of the applications. The Board approved.

Mr. Dezotell made a motion to adjourn. Ms. Freeman seconded the motion. All in favor. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary